

6361. Misbranding of cottonseed meal. U. S. * * * v. 500 Sacks of Cottonseed meal. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 459-c.)

On February 13, 1919, the United States attorney for the District of Maine, acting upon a report by the Department of Agriculture of the State of Maine, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of cottonseed meal remaining unsold in the original unbroken packages at Norway, Me., alleging that the article had been shipped on or about October 26, 1918, and transported from the State of Alabama into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the sacks bore a label or inscription, bearing the statement regarding the ingredients or substances contained therein, to wit, "Surety Brand Cotton Seed Meal 100 lbs. Net Made by Union Seed and Fertilizer Co., Montgomery, Ala. Guarantee Protein__Not less than 36 per cent Equivalent to Ammonia 7 per cent Fat__Not less than 5.50 per cent Fibre__Not more than 14.00 per cent Carbohydrates__Not less than 27.00 per cent," which said label or inscription was false and misleading in that said sacks did not contain protein of 36 per cent, but contained an amount of protein materially less than 36 per cent; and for the further reason that the sacks did not contain 100 pounds net of cottonseed meal, but contained an amount materially less than 100 pounds.

On March 4, 1919, the American Cotton Oil Co., New York, N. Y., claimant, having entered its appearance and moved that it be permitted to file bond and pay the costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*